



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,853	03/13/2000	Hadi Partovi	22379-710	6249

7590 11/08/2005

WAGNER, MURABITO & HAO LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

EXAMINER

NGUYEN, QUANG N

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 08 2005

Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/523,853

Filing Date: March 13th, 2000

Appellant(s): PARTOVI et al.

Matthew J. Blecher

For Appellant

Examiner's Answer

This is in response to the appeal brief filed 10/07/2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

Albal et al. (US 2003/0147518 A1) published on 08/07/2000.

Ksiazek (US 6,597,765) issued on 07/22/2003.

(9) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1, 3-5 and 7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albal et al. (US 2003/0147518), herein after referred as Albal, in view of Ksiazek (US 6,597,765).**

3. As to claim 1, Albal teaches a method of using a telephone identifying information to present information over a telephone interface using a first computer, the method comprising:

selecting at least one voice character prosody setting of a language based on the telephone identifying information, wherein the voice character prosody setting

comprises a speech pattern selected from a set of speech patterns (*through the use of automatic number identification “ANI” or caller line identification “CLI”, the communication node 212 can automatically identify the user, and provides various dialog voice personalities, such as a female voice, a male voice, etc., based upon a user profile, the user’s communication device, and/or the user’s speech patterns*) (Albal, paragraphs [0047] and [0048]);

presenting information according to the at least one voice character prosody setting over the telephone interface using the first computer (*application server 242 retrieves, processes the retrieved information and provide/output the information according to one of various dialog voice personalities above to the user via the Voice Recognition “VRU” server 234*) (Albal, paragraphs [0065-0066] and [0074]);

identifying a user speech pattern based on a speaking voice of a user (*the automatic speech recognition unit “ASR” 254 processes the speech inputs from the user to determine the user speech pattern*) (Albal, paragraph [0066]);

selecting a second voice character prosody setting of the language based on the user speech pattern (*based on the user speech pattern determined by the “ASR” 254 above, the node 212 automatically selects and provides various dialog voice personalities, such as a female voice, a male voice, etc., to respond to the audio inputs from the user*) (Albal, paragraphs [0047] and [0066]); and

subsequently, presenting said information according to the second voice character prosody setting over the telephone interface using the first computer (*application server 242 retrieves the information, processes the retrieved information*

and provide/output the information according to one of various dialog voice personalities above to the user via the Voice Recognition “VRU” server 234 (Albal, paragraphs [0065-0066] and [0074]).

However, Albal does not explicitly teach wherein a speech pattern identifies an intonation for presenting said language.

In a related art, Ksiazek teaches a telecommunications system comprising an originating operator services position system (OSPS), which accesses the ANI database to determine the appropriate assigned operator language services (the term “language” referring to not only natural spoken language but also variations including but not limited to such as service announcements, wording, intonation, branding or operator treatment) for the telephonic call (Ksiazek, C3: L45-55 and C4: L24-34).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Albal and Ksiazek to specify/select a speech pattern identifying an intonation for presenting said language since such methods were conventionally employed in the art to provide multi-language with multiple variations services to the users, to provide a user-friendly environment by using the same language, speech pattern, intonation, etc., and also to enhance the ability of voice processing systems to allow users to interact with electronic communication systems in a preferred voice character based upon the user profile, the user's communication device, and/or the user's speech patterns.

4. As to claims 3-4 and 7, Albal-Ksiazek teaches the method of claim 1, wherein the telephone identifying information is used to identify a locale (*identify at least one of a hospital and a nursing home*) associated with a corresponding or preferred speech pattern of the set of speech patterns, and the voice character prosody setting comprises the corresponding speech pattern of the set of speech patterns (*based upon the user's telephone number through the use of automatic number identification "ANI" or caller line identification "CLI", which can identify a locale such as a hospital or a nursing home, and/or the user's speech patterns, the ASR unit 254 identifies a selected speech pattern of the speech inputs and then implements a specific function associated with the recognized speech pattern, for example, selecting appropriate speech patterns from various dialog voice personalities such as high volume and/or slower speech pattern to provide to the user*) (Albal, paragraph [0066]).

5. As to claims 5 and 21-22, Albal-Ksiazek teaches the method of claim 1, wherein the voice character prosody setting further comprises a particular voice actor (i.e., *the communication node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc.*) and a particular speed and a particular volume level (*the communication node 212 can also allow the user to select a particular speech pattern based on the user profile, the user's communication device, and/or the user's speech patterns*) (Albal, paragraphs [0047]).

6. As to claim 8, Albal-Ksiazek teaches a computer supporting user personalized profiles using a telephone identifying information, a telephone interface, and an Internet interface, the computer system comprising:

a database (*a database server unit 244 of the communication node 212*) including personalization profiles for a plurality of users, each profile defining preferences, personalizing a corresponding user's interactions with the computer system, and indicating a voice character prosody setting of a language (Albal, Fig. 9);

a server (*an application server 242, a gateway server or a router firewall server 246 of the communication node 212*) supporting the Internet interface, the server allowing access to, and modification of, the personalization profiles by the corresponding users (Albal, Fig. 9 and paragraph [0051]);

a telephone interface subsystem (*a telephone switch 230 of the communication node 212*) supporting the telephone interface to receive the telephone identifying information through the use of automatic number identification "ANI" or caller line identification "CLI" to access the corresponding personalization/user profile; to identify a user speech pattern based on a speaking voice of the user and select a voice character prosody setting of the language based on the recognized user speech pattern (Albal, Fig. 9 and paragraphs [0047], [0051] and [0066]).

7. Claim 9 is a corresponding computer system claim of claim 3; therefore, it is rejected under the same rationale.

8. As to claim 10, Albal-Ksiazek teaches the computer system of claim 8, wherein the telephone identifying information includes a caller number identification (CID), wherein the CID is used by the first program code to perform matching of calls to a personalization/user profile of said database (Albal, paragraphs [0047] – [0048]).

9. As to claim 11, Albal-Ksiazek teaches the computer system of claim 8, wherein the server includes a web server (*the content providers 208 and 221 can include a server to operate web pages or documents in form of a markup language*) for presenting customized interfaces to users to access and modify the personalization profiles (*the application server 242 may include software to provide the address book, calendar, and to-do lists and allow the user to organize information*) (Albal, Fig. 9, paragraphs [0074] and [0079]).

10. As to claim 12, Albal-Ksiazek teaches the computer system of claim 8, wherein the telephone interface subsystem includes a call manager (*the telephone switch 230 of the communication node 212 can receive incoming calls from the carrier switch/network 216 and also receive incoming calls from the communication device 204 routed over the Internet 220 via the VOIP 248*), the call manager supporting multiple simultaneous telephone calls over the telephone interface (Albal, Fig. 9 and paragraphs [0055-0056]).

11. Claim 13 is a corresponding claim of claim 8; therefore, it is rejected under the same rationale.

12. Claims 14-20 are corresponding claims of claims 1, 3-4 and 21-22; therefore, they are rejected under the same rationale.

(10) Response to Arguments

In the remarks, applicant argued in substance that

(A) Prior Arts fail to disclose “identifying a user speech pattern based on a speaking voice of a user and selecting a second voice character prosody setting based on the user speech pattern”, as claimed in independent claims 1, 8, 13 and 14.

As to point (A), **Albal** teaches the automatic speech recognition unit “ASR” 254 processes the speech inputs from the user to determine the speech pattern (*identifying a user speech pattern based on a speaking voice of a user*) (**Albal**, paragraph [0066]); and based on the user speech pattern determined by the “ASR” 254 above, the node 212 can automatically select and provide various dialog voice personalities, such as a female voice, a male voice, etc., based on a user profile, the user’s communication device, and/or the user’s speech patterns to respond to the audio inputs from the user (*i.e., selecting a voice character prosody setting based on the user speech pattern*) (**Albal**, paragraph [0047]).

(B) Prior Arts do not show, or suggest “presenting information over a telephone interface that includes presenting information to the user according to a second voice character prosody setting based on a speech pattern of the user”.

As to point (B), **Albal** teaches the “ASR” unit 254 processes the speech inputs from the user to determine the user speech pattern (**Albal**, paragraph [0066]), and then the application server 242 retrieves the information, processes the retrieved information (*for example, the “VRU” server can read/output the audio message to the user using human recorded speech or synthesized speech*) and provide/output the information according to one of various dialog voice personalities above to the user via the Voice Recognition “VRU” server 234 (i.e., determining the user speech pattern and selecting a voice character prosody setting based on the recognized/determined user speech pattern and presenting information over the telephone interface to the user according to the selected voice character prosody) (**Albal**, paragraphs [0065-0066] and [0074]).

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

Quang N. Nguyen

Conferees,



JOHN P. ALIANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER

WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938 – 9060